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5 **IN THE UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**

7 PAUL GANCARZ, an individual;) Case No. 2:23-cv-1113
8 DANIEL TURETCHE, an individual;)
9 COLTON BROWN, an individual;) **DECLARATION OF GLEN K.**
10 JAMES JOHNSON and AMELIA) **ALLEN, ESQ.**
11 JOHNSON, individually and husband)
and wife,) **RE: PLAINTIFFS' RENEWED**
12 Plaintiffs,) **MOTION FOR ALTERNATIVE**
13 vs.) **SERVICE**
14))
15 Defendant.))
16))
17 I, Glen K. Allen, Esq., declare as follows:
18 1. I am over the age of eighteen, competent to testify in the above-entitled
19 matter, and make this declaration on my own personal knowledge.
20 2. I am an attorney admitted and licensed in Maryland and the District of
21 Columbia and admitted to the Fourth, Seventh, Ninth, Tenth, and District of
22 DECLARATION OF GLEN K. ALLEN, ESQ.
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1 Columbia Courts of Appeal and the United States Supreme Court. After
2 graduating from University of Maryland School of Law in 1987 and a clerkship, I
3 was a litigator with DLA Piper 1988 until the end of 2015; after that I have been
4 in solo practice. My legal specialty is litigation and in recent years specifically
5 First Amendment litigation.

6 3. I have been highly involved in the above-caption litigation from the
7 outset. I am an attorney for Plaintiffs and was the initial attorney contact for the
8 plaintiffs that assisted them in locating and engaging Mr. Hogue as Washington
9 State local counsel. I have subsequently worked closely with Mr. Hogue in
10 investigating and litigating this matter, including working closely with Mr.
11 Robinson, the private investigator who previously filed a declaration in this case. I
12 am identified in the Complaint as pro hac vice application pending, which I am
13 waiting to formally submit after service on the Defendant is completed and the
14 case proceeds.

15 4. In connection with present service of process issues, I have engaged the
16 services of Joseph Jordan, a professional internet researcher with many years of
17 experience. Mr. Jordan identified and advised me of the following news media
18 publications regarding David Alan Capito, Jr., aka Vyacheslav Arkadyevich
19 Arkangelskiy, aka Ryan Michael Smith (hereafter “Mr. Capito”) and this lawsuit:
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1 a) The Seattle Times, the most circulated publication in Mr. Capito’s last
2 known address, published an article on *Gancarz, et al v. David Alan Capito II* on
3 August 8, 2023, shortly after the lawsuit was filed on July 25, 2023. The article,
4 entitled “Far-right Patriot Front members sue leftist activist for allegedly leaking
5 their identities” includes a link to a document cloud featuring the full civil
6 complaint, which may be accessed at <https://www.seattletimes.com/seattle-news/times-watchdog/far-right-patriot-front-members-sue-leftist-infiltrator-who-exposed-their-identities/>

9 b) The Associated Press (hereafter “AP”) wire service also published a well-
10 circulated article on the lawsuit shortly after it was filed on August 8, 2023. The
11 AP’s content is carried by over 3,000 US publications and 900 international news
12 broadcasters. The article, entitled “5 white nationalists sue Seattle man for
13 allegedly leaking their identities”, may be accessed at
14 <https://apnews.com/article/patriot-front-lawsuit-online-white-nationalists-identities-511193a98bb454fec81707458112c226>

16 c) The AP article “5 white nationalists sue Seattle man for allegedly leaking
17 their identities” was also carried by dozens of national and international news
18 publications, such as the Daily Beast, Rolling Stone, AOL.com, The Independent,
19 CBS News, MyNorthwest.com, Fox News, and more.

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1 d) The AP article “5 white nationalists sue Seattle man for allegedly leaking
2 their identities” was also broadcast or published across several local outlets
3 throughout the Seattle area, Washington State and the Pacific Northwest at large,
4 such as KIRO 7 News Seattle, NBC King 5 covering King County, The Central
5 Oregon Daily, The Coeur d’Alene/Post Falls Press. See, e.g. below:

6 -- “Far-right nationalists sue Seattle man for revealing identities,” which
7 may be accessed at: [https://www.kiro7.com/news/local/far-right-nationalists-sue-](https://www.kiro7.com/news/local/far-right-nationalists-sue-seattle-man-revealing-identities/P42TDUHUXBDNP AZCR3LF4QHBV4/)
8 [seattle-man-revealing-identities/P42TDUHUXBDNP AZCR3LF4QHBV4/](#)

9 -- “White nationalist group members sue Seattle-area man,” which may be
10 accessed at: [https://www.king5.com/article/news/local/white-nationalist-members-](https://www.king5.com/article/news/local/white-nationalist-members-sue-seattle-area-man-revealing-identities/281-5402e863-cfcf-4f5a-a356-e9b33dbfc9ad)
11 [sue-seattle-area-man-revealing-identities/281-5402e863-cfcf-4f5a-a356-e9b33dbfc9ad](#)

13 -- “5 white nationalists sue Seattle man for allegedly leaking their
14 identities,” which may be accessed at:

15 [https://www.centraloregondaily.com/archives/central-oregon-daily/5-white-](https://www.centraloregondaily.com/archives/central-oregon-daily/5-white-nationalists-sue-seattle-man-for-allegedly-leaking-their-identities/article_66a5a8da-fdca-55de-899c-cf73cef57421.html?=&subcategory=195%7CTheatre)
16 [nationalists-sue-seattle-man-for-allegedly-leaking-their-identities/article_66a5a8da-fdca-55de-899c-cf73cef57421.html?=&subcategory=195%7CTheatre](#)

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1 -- “5 white nationalists sue Seattle man for allegedly leaking their
2 identities,” which may be accessed at: [https://cdapress.com/news/2023/aug/08/5-
3 white-nationalists-sue-seattle-man-allegedly-lea/](https://cdapress.com/news/2023/aug/08/5-white-nationalists-sue-seattle-man-allegedly-leak/)

4 e) A review of information and public records show that Mr. Capito, who
5 was previously a member of the group John Brown Gun Club in Puget Sound, has
6 been under FBI investigation since the Spring of 2022, and that on May 20th, May
7 22nd, and September 6th of 2022, Mr. Capito was subjected to searches by FBI
8 agents.

9 5. In light of the above information, I have a good faith belief that Mr.
10 Capito was fully aware within days of the filing of the Complaint against him, and
11 certainly at some point thereafter, that process servers would be or were looking
12 for him. Moreover, this information supports an inference that Mr. Capito would
13 have been strongly motivated to conceal himself within the state of Washington to
14 evade service and to avoid answering Plaintiffs’ complaint.

15 6. Mr. Capito, accordingly, had both motivation and opportunity to conceal
16 himself within the state of Washington to evade service.

17 7. Many other factors corroborate the inference that Mr. Capito has been
18 concealing himself within the state of Washington to evade service:

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- Mr. Capito's potential proclivity for criminal and/or deceitful conduct, as shown in his prior involvement as a defendant in a domestic violence case in the matter of *Irene F Robertson v. Avenir David Capito* in Pierce County Superior Court, No. 19-2-01229-9.
 - Mr. Capito's frequent name changes to avoid recognition and discovery of his whereabouts, two of which occurred shortly after the wrongdoing alleged against him in the Complaint that occurred between approximately November 2021 – January 2022. Mr. Capito changed his name to “Vyacheslav Arkadyevich Arkangelskiy” in March 2022 and then the more generic “Ryan Smith” in May 2022. Mr. Capito’s name changes appear to have been made to conceal himself within the state of Washington to attempt to avoid the future service of this lawsuit.
 - Mr. Capito's use of a storage facility, which is unsuitable for housing, as a current home address as described in Mr. Robinson's declaration.
 - Mr. Capito's frequent changes of address, and his use of different “current” home addresses at the same time conceal his location to make it less likely that a process server will be able to locate him.

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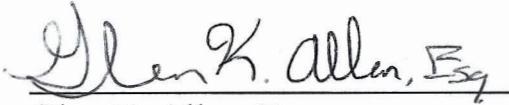
- 1 • Upon information obtained and upon my belief, Mr. Capito has a
2 pattern of using false names and aliases, such as “Nick Vasiliy” (see
3 Complaint ¶ 17) “Vincent Washington” (see Complaint ¶ 20) to
4 avoid recognition and discovery of his whereabouts.
- 5 • After the filing of the Plaintiffs’ Complaint, in addition to the news
6 media publications, there were communications and posts on social
7 media and internet forums concerning this lawsuit amongst
8 individuals believed to be current or former known associates of Mr.
9 Capito personally and/or with the John Brown Gun Club in Puget
10 Sound, from which it is reasonable for me to infer that Mr. Capito
11 received notice of the filing of this lawsuit from such associates and
12 has been evading service ever since.

13 8. Based upon on my experience as an attorney and my review of the
14 relevant information, I have a good faith belief that clear inferences may be drawn
15 from these facts that Mr. Capito has been concealing himself within the state of
16 Washington to evade service.

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1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3 DATED this 26th day of September 2024.

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5 Glen K. Allen, Esq.

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CM/ECF CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused an electronic copy of the foregoing document to be filed with the Clerk of the Court via CM/ECF system which will then send notification of such filing to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DATED this 26th day of September 2024.

s/ Christopher M. Hogue
Attorney for Plaintiffs

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